

## TWENTY-SIXTH DAY.

(Tuesday, March 10, 1931.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called and the following members were present:

Mr. Speaker.	Harrison
Adams of Harris.	of Waller.
Adams of Jasper.	Hatchitt.
Adamson.	Hefley.
Adkins.	Herzik.
Akin.	Hill.
Alsup.	Hines.
Baker.	Holder.
Barron.	Holland.
Beck.	Holloway.
Bedford.	Hoskins.
Bond.	Howsley.
Bounds.	Hubbard.
Bradley.	Hughes.
Brice.	Jackson.
Brooks.	Johnson
Bryant.	of Dallam.
Burns of Walker.	Johnson
Burns	of Dimmit.
of McCulloch.	Johnson of Morris.
Carpenter.	Jones of Shelby.
Caven.	Jones of Atascosa.
Claunch.	Justiss.
Coltrin.	Kayton.
Coombes.	Keller.
Cox of Lamar.	Kennedy.
Cox of Limestone.	Laird.
Cunningham.	Lasseter.
Dale.	Lee.
Daniel.	Lemens.
Davis.	Leonard.
DeWolfe.	Lilley.
Dodd.	Lockhart.
Donnell.	Long.
Dowell.	McCombs.
Dunlap.	McDougald.
Duvall.	McGill.
Dwyer.	McGregor.
Elliott.	Martin.
Farmer.	Mehl.
Farrar.	Metcalf.
Ferguson.	Moffett.
Finn.	Moore.
Fisher.	Munson.
Forbes.	Nicholson.
Ford.	Olsen.
Fuchs.	O'Quinn.
Gilbert.	Patterson.
Giles.	Petsch.
Goodman.	Pope.
Graves.	Ramsey.
Greathouse.	Ratliff.
Grogan.	Ray.
Hanson.	Richardson.
Hardy.	Rogers.
Harman.	Rountree.
Harrison	Sanders.
of El Paso.	Satterwhite.

Savage.	Terrell
Scott.	of Val Verde.
Shelton.	Towery.
Sherrill.	Turner.
Smith of Bastrop.	Van Zandt.
Smith of Wood.	Vaughan.
Sparkman.	Wagstaff.
Stephens.	Walker.
Stevenson.	Warwick.
Steward.	Weinert.
Strong.	West of Cameron.
Sullivant.	Wiggs.
Tarwater.	Young.
Terrell of Cherokee.	

Absent.

Magee.	Westbrook.
Mathis.	

Absent—Excused.

Albritton.	Murphy.
Anderson.	Reader.
Boyd.	Veatch.
Engelhard.	West of Coryell.
Morse.	Wyatt.

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Murphy for today, on motion of Mr. Ford.

Mr. Anderson, Mr. Dwyer and Mr. Reader for today, on motion of Mr. Kayton.

Mr. Veatch for today, on motion of Mr. Brice.

Mr. Engelhard for today, on motion of Mr. Moffett.

The following members were granted leaves of absence on account of illness:

Mr. Wyatt for today, on motion of Mr. Jones of Atascosa.

Mr. Albritton for today on account of illness in his family, on motion of Mr. Adkins.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Patterson:

H. B. No. 837, A bill to be entitled "An Act amending Chapter 96, Local and Special Laws of the Regular Ses-

sion of the Thirty-eighth Legislature, by repealing Section 19 and amending Section 28, and declaring an emergency."

(Further regulating the purchase of materials for county road work.)

Referred to Committee on Counties.

By Mr. Terrell of Cherokee:

H. B. No. 838, A bill to be entitled "An Act making an appropriation for the benefit of Fastril Common School District No. 10, of Cherokee county, on account of recent destruction of the school building by a tornado in said district; directing the manner of expenditure of said money, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Coombes and Mr. Smith of Wood:

H. B. No. 839, A bill to be entitled "An Act to provide that appeals may be taken direct from any final judgment in the county and district courts to the Courts of Civil Appeals; providing that motion for new trial or a motion for rehearing shall not be a prerequisite for appeal, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Coombes and Mr. Smith of Wood:

H. B. No. 840, A bill to be entitled "An Act repealing paragraph 3, Article 2237, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

(Relating to changing court rules.)

Referred to Committee on Judiciary.

By Mr. Smith of Wood:

H. B. No. 841, A bill to be entitled "An Act regulating the manner and method of payment of claims out of the county treasury of any county, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Sullivant and Mr. Young:

H. B. No. 842, A bill to be entitled "An Act authorizing the executor or administrator of estates, upon application and order authorizing same, to renew and extend obligations owing to or by such estates, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Young:

H. B. No. 843, A bill to be entitled "An Act creating a Court of Claims, providing for the appointment and payment of a judge and clerk of said court; fixing the power and duties of the court; providing for recommendation by the court to the Legislature, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Van Zandt and Mr. Alsup:

H. B. No. 844, A bill to be entitled "An Act to create a State commission for the blind to prepare and maintain a register of those blind persons living in the State of Texas in which is shown their condition, cause of blindness, and capacity for education and industrial training; to set up a bureau of information and industrial aid for the blind, etc., and declaring an emergency."

Referred to Committee on Eleemosynary and Reformatory Institutions.

By Mr. Farrar and Mr. Sparkman:

H. B. No. 845, A bill to be entitled "An Act providing for the employment of a rural school supervisor in counties having a population of not less than 53,900 and not more than 54,000; providing for their duties, salaries, expenses, and qualifications; providing that counties accepting the benefits of this act shall not be required to hold teachers' institutes, but providing that the county superintendent may call meetings of the teachers within his jurisdiction, and declaring an emergency."

Referred to Committee on Education.

By Mr. Smith of Wood:

H. B. No. 846, A bill to be entitled "An Act permitting the taking or catching of cat fish, drum, buffalo, suckers, carp, shad or gar in the fresh waters of Wood county during any month of the year except March and April with any seine or net with a mesh of not less than two inches square, etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Keller:

H. B. No. 847, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to

accept and award all applications for repurchase of public school land situated in Brewster county and Loving county, Texas, subject to forfeiture and reappraisal on date of passage of Chapter 94, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof but for which applications and the first payment were so filed, etc., and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Keller:

H. B. No. 848, A bill to be entitled "An Act providing for the confinement of habitual drug users when said drugs are unlawfully procured; providing for procedure, trial, and commitment in such cases; providing for release or discharge; providing for things necessary and incidental thereto, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Keller and Mr. Coombes:

H. B. No. 849, A bill to be entitled "An Act changing certain fees charged by the constables to make them correspond to the fees charged by the sheriffs; providing for things necessary and incidental, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Keller, Mr. Holder, Mr. Savage, Mr. Coombes, Mrs. Hughes and Mr. McCombs:

H. B. No. 850, A bill to be entitled "An Act permitting and authorizing constables in each justice precinct named and described to appoint deputy constables subject to the approval and confirmation of the commissioners court and providing that the constables desiring to have a deputy or deputies appointed shall submit written application to the commissioners court showing the necessity for having such deputy or deputies appointed to handle the business originating in the precinct in which the constable was elected, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Caven and Mr. Hubbard:

H. B. No. 851, A bill to be entitled "An Act to prohibit the hunting,

shooting or killing of wild duck, wild geese, wild brant or any other wild water fowl within Harrison and Marion counties from 12:00 o'clock noon of each day, until thirty minutes before sunrise of the following day; fixing penalty, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Carpenter:

H. B. No. 852, A bill to be entitled "An Act authorizing persons owing taxes to any legally organized district of this State to pay same with the written evidences of indebtedness of such district, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Petsch:

H. B. No. 853, A bill to be entitled "An Act to create Road District No. 5, Kendall county, Texas, defining and specifically setting out its boundaries, including therein all the territory embraced in commissioners precincts Nos. 1 and 4, which precincts are known as Road Districts Nos. 1 and 3, respectively, etc., and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Hatchitt and Mr. Duvall:

H. B. No. 854, A bill to be entitled "An Act amending Articles 3118, 3127, 3139 and 3167 of Chapter 13 of Title 50 of the Revised Civil Statutes of Texas of 1925, repealing Articles 3135, 3138 and 3141 of said Chapter 13, and providing that all political parties required by law to nominate candidates for office at primary elections shall hold a State convention to announce a platform of principles and elect a new State Executive Committee and chairman thereof, on the fourth Tuesday in May, 1932, and every two years thereafter."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Burns of McCulloch (by request):

H. B. No. 855, A bill to be entitled "An Act amending subdivision 4 of Article 7047, Revised Civil Statutes of 1925, and declaring an emergency."

(Relating to the taxing of peddlers.)

Referred to Committee on Revenue and Taxation.

By Mr. Terrell of Val Verde (by request):

H. B. No. 856, A bill to be entitled "An Act amending Articles 2702, 2703 and 2724 of the Revised Statutes of Texas, 1925, relating to the county unit system of education, and declaring an emergency."

Referred to Committee on Education.

By Mr. Farrar and Mr. Sparkman (by request):

H. B. No. 857, A bill to be entitled "An Act further authorizing commissioners courts of counties without a county free library to grant financial aid to free public libraries founded by individuals for the benefit of the people of an entire county and located at county seats."

Referred to Committee on State Affairs.

By Mr. Metcalfe (by request):

H. B. No. 858, A bill to be entitled "An Act providing that, in all counties having a population of more than 3,020 and less than 3,120 according to the Federal census of 1930, and in which, under existing conditions, more than fifty per cent of the entire population of the county and more than fifty per cent of the qualified voters of the county are in one commissioners precinct, the commissioners court, upon petition of sixty qualified voters of the county requesting that the county be redivided into commissioners precincts for the convenience of the people of the county, shall, at the next regular term of said commissioners court subsequent to the presentation of said petition, proceed to redivide said county into four commissioners precincts for the convenience of the people of said county, etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Smith of Wood:

H. B. No. 859, A bill to be entitled "An Act to repeal Chapter 97 of the Special Laws of the Thirty-ninth Legislature, and Chapter 30, Special Laws of the First Called Session of the Fortieth Legislature, being local road laws for the county of Wood, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Hines:

H. B. No. 860, A bill to be entitled "An Act repealing Chapter 23, Acts Second Called Session, Forty-first Legislature, and declaring an emergency."

(Relating to hunting in this State by residents of Arkansas.)

Referred to Committee on Game and Fisheries.

By Mr. Farmer:

H. B. No. 861, A bill to be entitled "An Act providing that no deficiency judgment shall be rendered against the debtor in any suit for foreclosure or collection by any court of this State; repealing all laws in conflict herewith, and setting forth that same shall not apply to contracts made prior to time of this act going into effect."

Referred to Committee on Judiciary.

#### HOUSE JOINT RESOLUTION ON FIRST READING.

The following House joint resolution, introduced today, was laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Mr. Johnson of Dimmit:

H. J. R. No. 38, Proposing to amend Article 8 of the Constitution of Texas by adding Section 18a, so as to classify certain interest-bearing bonds, warrants, notes and debentures as intangible personal property; providing for registration and tax.

BILL ORDERED NOT PRINTED.

On motion of Mr. Hubbard, Senate bill No. 85 was ordered not printed.

PROVIDING FOR MEMORIAL SERVICES IN HONOR OF  
CAPTAIN BENJAMIN  
FRANKLIN BRYANT.

Mr. Hefley offered the following resolution:

H. C. R. No. 37, Providing for a joint session of the House and Senate in memory of Capt. Benjamin F. Bryant.

Whereas, Arrangements have heretofore been made on the part of representatives of the State of Texas to move the remains of Benjamin F. Bryant, a captain in the battle of San Jacinto, and an honorable citizen of this State during his lifetime, from

the abandoned cemetery in the county of Milam for reinterment in the State cemetery at Austin; and

Whereas, Arrangements have heretofore been made to have proper ceremonies in the hall of the House of Representatives during a joint session of the House and the Senate, at which time ex-Governor Pat M. Neff has consented to deliver the principal address; and

Whereas, A large delegation of the citizenship of Milam county, including school children from the cities of Cameron, Rockdale, and Buckholts are accompanying the remains of the said distinguished citizen to the city of Austin with a view of partaking in the aforesaid ceremonies in the House of Representatives; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Legislature of Texas will meet in joint session Tuesday, March 10th, at 11 a. m., for the purpose of participating in said ceremonies.

Signed—Hefley, Petsch.

The resolution was read second time and was adopted.

#### RELATIVE TO THE REMOVAL OF THE AUSTIN STATE HOSPITAL.

Mrs. Moore offered the following resolution:

H. C. R. No. 26, Relative to the removal of the Austin State Hospital.

Whereas, The Austin State Hospital was built in 1857 and most of the buildings are old and antiquated and some of them are in bad repair and are a serious fire hazard; and

Whereas, It has been estimated by an architect that it would cost \$800,000 or more to remodel, repair and semi-fireproof these old buildings and make them safe, and it would then not be a modern hospital in plan and design; and

Whereas, The property on which the hospital is located is well within the city limits of the city of Austin and has grown very valuable due to the growth and development of the city of Austin; and

Whereas, It has been the opinion of many that it would be an economical policy for the State to sell the valuable land now comprising the Austin Hospital site and purchase land more suitable for the purpose, further removed from the city and where sufficient land can be secured for the farming, gardening, and

dairying carried on by such institution, and that the Austin Hospital be gradually removed to the new location; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Governor, Lieutenant Governor and members of the Board of Control be authorized to take this matter under advisement and make recommendation to the next Legislature.

Signed—Moore, Metcalfe, Giles.

The resolution was read second time.

Mr. Bradley offered the following substitute for the resolution:

"Whereas, For several years there has been a controversy as to whether or not it would be to the interest of the State of Texas to remove the Austin State Hospital from its present location; and

"Whereas, It is essential to settle said controversy so that proper and needed improvements, including fireproofing, can be effected for said hospital if it is to remain permanently in its present location; now, therefore, be it

"Resolved, That a committee of six composed of the Board of Control, the Governor, Lieutenant Governor, and Speaker of the House, investigate as to the facts pertinent to said controversy and report in writing to the Regular Session of the Forty-third Legislature as to whether or not said hospital should or should not be so removed."

Mr. Giles moved to table the substitute resolution, and the motion to table prevailed by the following vote:

Yeas—53.

Adamson.	Fisher.
Alsup.	Giles.
Baker.	Goodman.
Barron.	Graves.
Bedford.	Harrison
Bond.	of El Paso.
Bounds.	Harrison
Brooks.	of Waller.
Carpenter.	Holloway.
Caven.	Hoskins.
Coombes.	Hughes.
Cox of Lamar.	Jackson.
Cox of Limestone.	Johnson
Dale.	of Dallam.
Davis.	Lasseter.
Dowell.	Lee.
Farrar.	Long.
Ferguson.	McDougald.

Magee.	Satterwhite.
Mathis.	Savage.
Metcalf.	Shelton.
Moffett.	Sherrill.
Moore.	Smith of Bastrop.
Nicholson.	Smith of Wood.
Olsen.	Strong.
Patterson.	Sullivant.
Ray.	Van Zandt.
Rogers.	Weinert.

## Nays—52.

Adams of Harris.	Kennedy.
Adams of Jasper.	Laird.
Akin.	Lemens.
Bradley.	Lilley.
Brice.	Lockhart.
Burns of Walker.	McCombs.
Claunch.	McGill.
Coltrin.	Munson.
Daniel.	Pope.
Dodd.	Ratliff.
Elliott.	Richardson.
Farmer.	Scott.
Forbes.	Sparkman.
Ford.	Stephens.
Fuchs.	Steward.
Greathouse.	Tarwater.
Grogan.	Terrell
Hatchitt.	of Cherokee.
Hanson.	Terrell
Harman.	of Val Verde.
Hefley.	Towery.
Herzik.	Turner.
Hill.	Vaughan.
Holder.	Wagstaff.
Jones of Shelby.	Walker.
Jones of Atascosa.	Warwick.
Johnson of Morris.	Wiggs.

## Absent.

Adkins.	Johnson
Beck.	of Dimmit.
Bryant.	Justiss.
Burns	Kayton.
of McCulloch.	Keller.
Cunningham.	Leonard.
DeWolfe.	McGregor.
Donnell.	Martin.
Dunlap.	Mehl.
Duvall.	O'Quinn.
Finn.	Petsch.
Gilbert.	Ramsey.
Hardy.	Rountree.
Hines.	Sanders.
Holland.	Stevenson.
Howsley.	West of Cameron.
Hubbard.	Westbrook.
	Young.

## Absent—Excused.

Albritton.	Engelhard.
Anderson.	Morse.
Boyd.	Murphy.
Dwyer.	Reader.

Veatch.	Wyatt.
West of Coryell.	

Mr. Bond moved to table the resolution by Mrs. Moore.

The motion to table was lost.

Mr. Pope offered the following amendment to the resolution:

"And that said report shall include items of expense of remodeling and modernizing old asylum and complete cost of new asylum grounds and buildings with suggestions of possible sale price of old asylum and grounds, but said committee shall have no authority to make a contract for the State of Texas, nor shall said report in any manner bind the Legislature or the State of Texas to comply therewith."

Mr. Bond offered the following amendment to the amendment:

Amend pending resolution by adding the following at end of resolution: "Said committee shall investigate and report whether or not concrete porches shall be added to building of asylum located at Terrell."

Mr. Metcalfe raised a point of order on further consideration of the amendment by Mr. Bond, on the ground that the amendment is not germane to the resolution.

The Speaker sustained the point of order.

Question then recurring on the amendment by Mr. Pope, it was adopted.

The resolution as amended was then adopted.

Mr. Howsley raised a point of order on further consideration of resolutions at this time, on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

#### CONFERENCE COMMITTEE ON SENATE BILL NO. 13.

The Speaker announced the appointment of the following conference committee on Senate bill No. 13:

Mrs. Hughes and Messrs. Holder, Keller, Coombes and Patterson.

#### HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING.

The Speaker laid before the House, on its second reading,

H. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas by amending Section 33 and

Section 40 of Article 16 of the Constitution of Texas, so as to permit officers of the National Guard, the National Guard Reserve, and the Officers' Reserve Corps of the United States, and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States army, navy and marine corps, and retired enlisted men of the United States army, navy and marine corps, to hold public office in Texas.

The resolution was read second time.

Mr. Harrison of El Paso offered the following (committee) amendment to the resolution:

Amend House joint resolution No. 1 by striking out all above and below the resolving clause and insert in lieu thereof the following:

"Proposing an amendment to the Constitution of the State of Texas by amending Section 33 and Section 40 of Article 16 of the Constitution of Texas so as to permit officers of the National Guard, the National Guard Reserve, the Officers' Reserve Corps of the United States, and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States army, navy and marine corps, and retired warrant officers, and retired enlisted men of the United States army, navy and marine corps, to hold public office and to vote in Texas."

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 33 of Article 16 of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 33. The accounting officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person for salary or compensation as agent, officer or appointee who holds at the same time any other office or position of honor, trust or profit under this State or the United States, except as prescribed in this Constitution. Provided, that this restriction as to the drawing and paying of warrants upon the Treasury shall not apply to officers of the National Guard of Texas, the National Guard Reserve, the Officers' Reserve Corps of the United

States, nor to enlisted men of the National Guard, the National Guard Reserve and the Organized Reserves of the United States, nor to retired officers of the United States army, navy and marine corps, and retired warrant officers, and retired enlisted men of the United States army, navy and marine corps."

Sec. 2. That Section 40 of Article 16 of the Constitution of the State of Texas be amended so as to read as follows:

"Sec. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public and postmaster, officer of the National Guard, the National Guard Reserve, and the Officers' Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserves, and the Organized Reserves of the United States and retired officers of the United States army, navy and marine corps, and retired warrant officers, and retired enlisted men of the United States army, navy and marine corps, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard and the National Guard Reserve, or an officer in the Officers' Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States army, navy and marine corps, and retired warrant officers and retired enlisted men of the United States army, navy and marine corps, from holding, in conjunction with such office, any other office or position of honor, trust or profit under this State or the United States, or from voting at any election, general, special or primary, in this State when otherwise qualified."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this State at the next general election to be held throughout the State on the first Tuesday after the first Monday in November, 1932, at which all ballots shall have printed thereon:

"For the constitutional amendments permitting officers and enlisted men of the National Guard, and the National Guard Reserve, and officers of the Officers' Reserve Corps of the United States, and enlisted men of

the Organized Reserves of the United States, and retired officers of the United States army, navy and marine corps, and retired warrant officers and retired enlisted men of the United States army, navy and marine corps, to hold other offices or positions of honor, trust or profit under this State or the United States, and to vote at any election, general, special or primary, in this State when otherwise qualified.

"Against the constitutional amendment permitting officers and enlisted men of the National Guard, and the National Guard Reserve, and officers of the Officers' Reserve Corps of the United States, and enlisted men of the Organized Reserves of the United States, and retired officers of the United States army, navy and marine corps, and retired warrant officers and retired enlisted men of the United States army, navy and marine corps, to hold other offices or positions of honor, trust or profit under this State or the United States, and to vote at any election, general, special or primary, in this State when otherwise qualified."

Each voter shall scratch out one of said clauses on the ballots, leaving the one expressing his vote on the proposed amendment.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and Laws of this State, and the sum of five thousand dollars (\$5000), or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury not otherwise appropriated, to defray the expenses of printing said proclamation and of holding said election. And amend the caption accordingly.

The amendment was adopted.

By unanimous consent of the House, the caption of the resolution was ordered amended to conform to all changes made in the body of the resolution.

House joint resolution No. 1 was then passed by the following vote:

Yeas—108.

Adams of Harris.	Baker.
Adams of Jasper.	Barron.
Adamson.	Beck.
Adkins.	Bedford.
Akin.	Bond.
Alsup.	Bounds.

Brooks.	Jones of Shelby.
Bryant.	Justiss.
Burns	Kayton.
of McCulloch.	Keller.
Burns of Walker.	Kennedy.
Carpenter.	Lee.
Caven.	Lemens.
Claunch.	Leonard.
Coltrin.	Lilley.
Coombes.	McCombs.
Cox of Lamar.	McDougald.
Cunningham.	McGill.
Dale.	Magee.
Daniel.	Mathis.
Davis.	Metcalfe.
DeWolfe.	Moffett.
Dodd.	Moore.
Dowell.	Munson.
Dunlap.	Nicholson.
Duvall.	O'Quinn.
Elliott.	Patterson.
Finn.	Petsch.
Fisher.	Pope.
Forbes.	Ratliff.
Ford.	Ray.
Fuchs.	Richardson.
Gilbert.	Sanders.
Giles.	Satterwhite.
Goodman.	Savage.
Graves.	Scott.
Greathouse.	Smith of Wood.
Grogan.	Sparkman.
Hanson.	Stephens.
Harman.	Steward.
Harrison	Strong.
of Waller.	Sullivant.
Hatchitt.	Tarwater.
Hefley.	Terrell
Herzik.	of Val Verde.
Hill.	Towery.
Holder.	Turner.
Holland.	Van Zandt.
Holloway.	Vaughan.
Hoskins.	Wagstaff.
Howsley.	Walker.
Hughes.	Warwick.
Jackson.	Weinert.
Johnson	West of Cameron.
of Dallam.	Wiggs.
Johnson	Young.
of Dimmit.	

Nays—4.

Bradley.	Olsen.
Farmer.	Smith of Bastrop.

Present—Not Voting.

Brice.	Hines.
Cox of Limestone.	Rogers.
Farrar.	

Absent.

Donnell.	Hubbard.
Ferguson.	Jones of Atascosa.
Hardy.	Johnson of Morris.
Harrison	Laird.
of El Paso.	Lasseter.



Lockhart.	Shelton.
Long.	Sherrill.
McGregor.	Stevenson.
Martin.	Terrell
Mehl.	of Cherokee.
Ramsey.	Westbrook.
Rountree.	

Absent—Excused.

Albritton.	Murphy.
Anderson.	Reader.
Boyd.	Veatch.
Dwyer.	West of Coryell.
Engelhard.	Wyatt.
Morse.	

#### HOUSE JOINT RESOLUTION NO. 7 ON SECOND READING.

The Speaker laid before the House, on its second reading,

H. J. R. No. 7, Amending Article 4, Section 26, of the Constitution of the State of Texas, providing that notaries public may be appointed by the district courts; providing for the submission of the amendment to the voters of Texas; providing for the publication thereof, and making an appropriation therefor.

The resolution was read second time.

On motion of Mr. Young, further consideration of the resolution was postponed until 10 o'clock a. m. next Tuesday.

#### BILLS AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

S. C. R. No. 12, Relative to designating October 11 as certain Memorial Day.

S. B. No. 144, Relating to the creation of Jackson County Drainage District No. 1, and declaring an emergency.

S. B. No. 43, "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land situated in Culberson county, Texas, forfeited and reappraised under Chapter 94, and Act approved March 19, 1925, and as amended by Chapter 25 an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expira-

tion of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon, and declaring an emergency."

S. B. No. 39, "An Act amending Section 3, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, and declaring an emergency."

S. B. No. 47, "An Act to provide adequate compensation for first assistant county attorneys in counties having a population of from 75,000 to 80,000 which have voted road and bridge bonds amounting to six million dollars or more and flood protection bonds amounting to one million dollars or more, and declaring an emergency."

S. B. No. 48, "An Act to amend Article 431, Chapter 6, Title 16, Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 239, Relating to extending oil and gas permit No. 13594, issued by the Commissioner of the General Land Office, and declaring an emergency.

S. B. No. 364, "An Act to create Road District No. 11 of Fayette county, Texas, conferring powers, privileges and duties generally conferred upon such districts; authorizing the holding of elections to vote and issue bonds, levy and collect taxes for the purpose of construction and maintenance of macadamized, graveled or paved roads and turnpikes, or in aid thereof; authorizing said district to have all powers, authority and privileges conferred by law on such districts, especially under Chapter 16 of the General Laws of the Thirty-ninth Legislature at its First Called Session, and declaring an emergency."

S. B. No. 16, "An Act relating to the nomination of directors of water improvement districts to serve under the provisions of Chapter 2, Title 128, Revised Civil Statutes, 1925."

S. B. No. 49, "An Act to prevent the loan of trust funds by a State bank, State bank and trust company, or other corporation, doing trust business, etc., and declaring an emergency."

S. B. No. 237, "An Act authorizing counties, acting through their commissioners courts, to purchase seed

to be planted on farms in such counties by residents thereof who are poor and unable to procure same, and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations, by which such seed and feed will be furnished said residents of the counties who are poor and unable to procure the same; authorizing counties to use their general funds for this purpose where they have such funds; authorizing them to issue warrants against such funds if such counties will have the same when the taxes for the years 1930 and 1931 are collected; conferring certain powers and prescribing certain duties relative to the administration of this act on the commissioners court and the county clerks of the various counties of the State; defining the terms of the application and the contract by which residents of the counties acting within the purview of this act may obtain seed and feed hereunder, and providing for the payment therefor by such persons; conferring certain power and authority upon the county tax collectors and county attorneys relative to the administration of this act; providing the terms and conditions upon which the State will advance certain amounts to the various counties of the State to augment the funds provided for the purchase of seed and feed and the distribution of same hereunder, and the terms and conditions thereof; prescribing certain duties for the Governor of Texas, the State Treasurer, the Comptroller of Public Accounts and the Attorney General of the State of Texas relative to the administration of this act; providing for the repayment to the State of funds advanced by it; defining and creating certain offenses for violations of the terms of this act, and providing punishment therefor; stating when operation may be commenced under this act and when the distribution of seed and feed hereunder shall cease; making an appropriation for carrying out the purposes of this act, and declaring an emergency."

S. B. No. 56, "An Act to amend Article 7695, Revised Civil Statutes, relating to the first three years' interest to accrue on bonds of water improvement districts, and providing that the maximum amount of bonds to be issued by any such district may include a sum sufficient to pay the first three years' interest to accrue on

said bonds, and when such power is exercised no taxes shall be levied for said three-year period, except to pay off and discharge notes provided for in Article 7634; defining, approving and validating elections held in any such districts which were for the purpose of authorizing boards of directors thereof to use the balance of the proceeds of interest bonds to pay interest after the expiration of any three-year period of time; enacting provisions incident and necessary to the subject and purpose of this act, and declaring an emergency."

S. B. No. 365, "An Act to create a court to be known as the county court of Potter county at law; to define the jurisdiction of said court, and making the jurisdiction concurrent with the jurisdiction of the justice court in all causes, civil and criminal; to fix the terms thereof; to provide a clerk to be appointed by the county clerk of Potter county, and fix his salary; to fix the qualifications, bond and salary, and provide for the appointment, election or removal of the judge thereof; to provide for the transfer of any cases and appeal therefrom now pending in the county court of Potter county to said court hereby created, and to provide for appeals from inferior courts to the court hereby created; providing for a special judge, for the distribution of fees, for a seal of said court, and prescribing the duties of the sheriff and county attorney in relation to said court, and declaring an emergency."

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 10, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has read and adopted

H. C. R. No. 37, Relating to joint session Tuesday, March 10, at 11 a. m., for the purpose of participating in certain ceremonies.

Read and adopted

H. C. R. No. 27, Relating to the General Pershing Park Association.

Respectfully,

JNO. B. DuPRIEST,

Assistant Secretary of the Senate.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 10, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has passed the following:

H. B. No. 181, A bill to be entitled  
"An Act to amend Article 6234 un-  
der subdivision 2 of Title 109 of the  
Revised Civil Statutes of the State  
of Texas (1925), relating to eligibil-  
ity to participate in city pension  
fund; extending the time of making  
application for membership and par-  
ticipation therein, and declaring an  
emergency."

Senate has concurred in House  
amendments to Senate bill No. 9 by  
the following vote: 29 yeas, 0 nays.

Respectfully,

JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

HOUSE JOINT RESOLUTION NO.  
12 ON SECOND READING.

The Speaker laid before the House,  
on its second reading,

H. J. R. No. 12, Proposing to amend  
the Constitution of the State of Texas  
so as to provide that the Legislature  
shall have no power to release or ex-  
tinguish, or to authorize the releasing  
or extinguishing, in whole or in part,  
the indebtedness, liability or obliga-  
tion of any corporation or individual  
to this State or to any county or de-  
fined subdivision thereof, or other  
municipal corporation therein, except  
delinquent taxes which have been due  
for a period of at least four years.

The resolution was read second  
time.

Question—Shall the resolution be  
passed?

IN MEMORY OF CAPTAIN AND  
MRS. BENJAMIN FRANKLIN  
BRYANT.

At the hour of 11 o'clock a. m.,  
fixed by a concurrent action of the  
two houses for a joint session of the  
House and Senate, to hold memorial  
services in honor of Captain and Mrs.  
Benjamin Franklin Bryant, whose re-  
mains are being removed from the  
county of Milam to the State Ceme-  
tery at Austin, the Honorable Senate,  
escorted by Bob Barker, Secretary of  
the Senate, appeared at the bar of

the House and, being admitted, were  
escorted to seats prepared for them  
along the aisle.

Lieutenant Governor Edgar Witt  
occupied a seat on the Speaker's  
stand.

The remains of Captain and Mrs.  
Bryant, accompanied by the Hon.  
Pat M. Neff, Hon. Ross S. Sterling,  
Governor, committees from the House  
and Senate and party were an-  
nounced at the bar of the House and  
admitted.

The party was also accompanied  
by Mr. J. P. McKay, Mr. J. B. Bryant  
and other relatives of Captain and  
Mrs. Bryant.

Lieutenant Governor Edgar Witt  
then called the Honorable Senate to  
order.

Speaker Minor called the House to  
order and stated that the House and  
Senate were in joint session for the  
purpose of holding memorial services  
in honor of Captain and Mrs. Ben-  
jamin Franklin Bryant.

Rev. L. U. Spellmann of the Uni-  
versity Methodist Church offered  
prayer.

Lieutenant Governor Edgar Witt  
presented Hon. Pat M. Neff.

Hon. Pat M. Neff addressed the  
joint session and assemblage.

A quartet from the University  
Methodist Church then sang "One  
Sweetly Solemn Thought."

Prayer was again offered by Rev.  
Spellmann.

The Senate, at the conclusion of  
the ceremony, retired to its Chamber.

## RECESS.

On motion of Mr. Satterwhite, the  
House, at 12 o'clock m., took recess  
to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m.,  
and was called to order by the  
Speaker.

RELATIVE TO PRINTING CER-  
TAIN ADDRESS.

Mr. Farmer made the following mo-  
tion:

"Mr. Speaker: I move that Gover-  
nor Neff be requested by the Speaker  
to give to this House a copy of that  
gem of historic recitation, beautiful  
diction, fervid patriotism, and glow-  
ing memorial to the memory of one

of Texas' noble dead, which he delivered before the joint session of the House and Senate this morning; and that the said address be ordered published in the Journal of the House as soon as it can be received."

The motion prevailed.

# HOUSE JOINT RESOLUTION NO. 12 ON SECOND READING.

The House resumed consideration of pending business, same being House joint resolution No. 12, Prohibiting the extinguishing of the indebtedness of any corporation or individual to the State except delinquent taxes due for four years, the resolution having been read second time on this morning.

Mr. Adkins offered the following (committee) amendments to the resolution:

Amend House joint resolution No. 12 so as to substitute the word "ten" for the word "four" wherever said word occurs in said resolution.

Amend Section 2 of House joint resolution No. 12 so as to read: "The foregoing constitutional amendment shall be submitted to the electors of this State qualified to vote on constitutional amendments at the general election in 1932, at which election there shall be printed on each ballot. \* \* \*"

The amendments were severally adopted.

Mr. Burns of McCulloch moved to reconsider the vote by which committee amendment No. 1 was adopted.

The motion to reconsider was lost.

House joint resolution No. 12 was then passed by the following vote:

## Yeas—109.

Mr. Speaker.	Cunningham.
Adams of Harris.	Dale.
Adams of Jasper.	Daniel.
Adamson.	DeWolfe.
Adkins.	Dodd.
Akin.	Donnell.
Alsup.	Dowell.
Barron.	Dunlap.
Beck.	Elliott.
Bedford.	Farmer.
Bond.	Farrar.
Bounds.	Ferguson.
Brice.	Finn.
Bryant.	Fisher.
Burns	Forbes.
of McCulloch.	Fuchs.
Caven.	Gilbert.
Coltrin.	Giles.
Coombes.	Goodman.

Gréathouse.	Petsch.
Hanson.	Pope.
Hardy.	Ramsey.
Harman.	Ratliff.
Harrison	Ray.
of El Paso.	Richardson.
Harrison	Rogers.
of Waller.	Rountree.
Hatchitt.	Sanders.
Hefley.	Satterwhite.
Herzik.	Savage.
Hines.	Scott.
Holder.	Shelton.
Holland.	Sherrill.
Holloway.	Smith of Bastrop.
Hoskins.	Smith of Wood.
Howsley.	Sparkman.
Hubbard.	Stephens.
Hughes.	Stevenson.
Jackson.	Steward.
Johnson	Strong.
of Dimmit.	Sullivant.
Johnson of Morris.	Tarwater.
Jones of Shelby.	Terrell
Kayton.	of Cherokee.
Kennedy.	Terrell
Laird.	of Val Verde.
Lee.	Turner.
Lemens.	Van Zandt.
Leonard.	Vaughan.
Lilley.	Wagstaff.
McCombs.	Walker.
McGill.	Warwick.
Magee.	Weinert.
Mathis.	West of Coryell.
Metcalfe.	West of Cameron.
Moffett.	Wiggs.
Moore.	Wyatt.
Munson.	

## Nays—9.

Baker.	Ford.
Burns of Walker.	Grogan.
Claunch.	Lockhart.
Cox of Lamar.	McDougald.
Davis.	

## Absent.

Bradley.	Lasseter.
Brooks.	Long.
Carpenter.	McGregor.
Cox of Limestone.	Martin.
Duvall.	Mehl.
Graves.	Nicholson.
Hill.	Olsen.
Johnson	O'Quinn.
of Dallam.	Patterson.
Jones of Atascosa.	Towery.
Justiss.	Westbrook.
Keller.	Young.

## Absent—Excused.

Albritton.	Morse.
Anderson.	Murphy.
Boyd.	Reader.
Dwyer.	Veatch.
Engelhard.	

HOUSE BILL NO. 13 ON PASSAGE  
TO ENGROSSMENT.

The Speaker laid before the House, as pending business, on its passage to engrossment,

H. B. No. 13, A bill to be entitled "An Act to encourage and aid in the conservation of soil fertility in the counties of Texas and to maintain the productiveness of agricultural lands for the production of essential foods and commercial crops upon which the public well-being depends, etc., and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Burns of Walker, and substitute by Mr. Daniel for the amendment, pending.

Question recurring on the substitute amendment, it was adopted.

The amendment as substituted was then adopted.

Mr. Kennedy offered the following amendment to the bill:

Amend House bill No. 13 by adding another section at the end of the last page and renumbering the sections accordingly:

"Providing that the members of the commissioners court of any county receiving such service mentioned in this bill, together with their bondsmen, shall be liable for any indebtedness due the county for service rendered to any taxpayer or land owner by the commissioners court of such county."

Question recurring on the amendment by Mr. Kennedy, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—28.

Adamson.	Johnson of Morris.
Alsup.	Lemens.
Barron.	McCombs.
Bond.	Martin.
Bounds.	Pope.
Brooks.	Rogers.
Caven.	Savage.
Coltrin.	Stephens.
DeWolfe.	Stevenson.
Farmer.	Terrell
Ford.	of Cherokee.
Graves.	Terrell
Greathouse.	of Val Verde.
Grogan.	Towery.
Holloway.	Wiggs.

## Nays—74.

Adams of Jasper.	Akin.
Adkins.	Baker.

Bedford.	Johnson
Brice.	of Dimmit.
Bryant.	Jones of Shelby.
Burns of Walker.	Keller.
Claunch.	Laird.
Coombes.	Lasseter.
Cox of Lamar.	Lee.
Dale.	Lilley.
Daniel.	Lockhart.
Davis.	McGill.
Dodd.	Magee.
Donnell.	Mathis.
Dowell.	Metcalfe.
Elliott.	Munson.
Farrar.	Petsch.
Finn.	Ratliff.
Forbes.	Ray.
Fuchs.	Richardson.
Giles.	Rountree.
Goodman.	Sanders.
Harman.	Satterwhite.
Harrison	Scott.
of El Paso.	Shelton.
Harrison	Smith of Wood.
of Waller.	Steward.
Hatchitt.	Strong.
Hefley.	Sullivant.
Herzik.	Tarwater.
Hill.	Vaughan.
Hines.	Wagstaff.
Holder.	Walker.
Holland.	Warwick.
Hoskins.	Weinert.
Howsley.	West of Coryell.
Hughes.	West of Cameron.
Jackson.	Wyatt.
	Young.

## Present—Not Voting.

Cox of Limestone.	Nicholson.
Moffett.	

## Absent.

Adams of Harris.	Kayton.
Beck.	Kennedy.
Bradley.	Leonard.
Burns	Long.
of McCulloch.	McDougald.
Carpenter.	McGregor.
Cunningham.	Mehl.
Dunlap.	Moore.
Duvall.	Olsen.
Ferguson.	O'Quinn.
Fisher.	Patterson.
Gilbert.	Ramsey.
Hanson.	Sherrill.
Hardy.	Smith of Bastrop.
Hubbard.	Sparkman.
Johnson	Turner.
of Dallam.	Van Zandt.
Jones of Atascosa.	Westbrook.
Justiss.	

## Absent—Excused.

Albritton.	Dwyer.
Anderson.	Engelhard.
Boyd.	Morse.

Murphy.  
Reader.

Veatch.

Mr. Davis offered the following amendment to the bill:

Amend House bill No. 13 by striking out the words "general fund" in line 35, page 2, and substituting in lieu thereof the words "road and bridge fund."

The amendment was adopted.

Mr. DeWolfe offered the following amendment to the bill:

Amend House bill No. 13 by striking out Sections 1 and 2.

The amendment was lost.

Mr. Bond offered the following amendment to the bill:

Amend House bill No. 13, page 2, line 35, by striking out all of line 35 after semi-colon following the word "county," and striking out all of line 36 to line 40, inclusive, on page 2; also striking out all of line 1 on page 3.

Mr. Cox of Lamar moved the previous question on the pending amendment and the bill, and the main question was ordered.

Question recurring on the amendment by Mr. Bond, it was lost.

House bill No. 13 was then passed to engrossment.

### HOUSE BILL NO. 13 ON THIRD READING.

Mr. Fuchs moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Adams of Harris.	Dale.
Adams of Jasper.	Daniel.
Adamson.	Davis.
Adkins.	DeWolfe.
Akin.	Dodd.
Alsup.	Donnell.
Baker.	Dowell.
Barron.	Dunlap.
Beck.	Duvall.
Bedford.	Elliott.
Brice.	Farmer.
Bryant.	Farrar.
Burns of Walker.	Ferguson.
Caven.	Finn.
Claunch.	Fisher.
Coltrin.	Forbes.
Coombes.	Ford.
Cox of Lamar.	Fuchs.
Cox of Limestone.	Gilbert.

Giles.  
Goodman.  
Greathouse.  
Grogan.  
Hanson.  
Harman.  
Harrison  
of Waller.  
Hatchitt.  
Hefley.  
Herzik.  
Hill.  
Hines.  
Holder.  
Holland.  
Hoskins.  
Hubbard.  
Johnson  
of Dallam.  
Johnson  
of Dimmit.  
Johnson of Morris.  
Jones of Shelby.  
Keller.  
Laird.  
Lasseter.  
Lee.  
Lemens.  
Leonard.  
Lilley.  
Lockhart.  
McDougald.  
McGill.  
Magee.  
Martin.

Mathis.  
Metcalfe.  
Moffett.  
Moore.  
Munson.  
Patterson.  
Pope.  
Ramsey.  
Ratliff.  
Ray.  
Richardson.  
Rountree.  
Satterwhite.  
Savage.  
Scott.  
Sherrill.  
Smith of Bastrop.  
Smith of Wood.  
Sparkman.  
Stevenson.  
Steward.  
Strong.  
Sullivant.  
Tarwater.  
Towery.  
Turner.  
Van Zandt.  
Vaughan.  
Wagstaff.  
Warwick.  
West of Coryell.  
West of Cameron.  
Wiggs.  
Wyatt.  
Young.

Nays—9.

Bond.	Kennedy.
Bounds.	McCombs.
Brooks.	Rogers.
Graves.	Terrell
Jackson.	of Cherokee.

Present—Not Voting.

Nicholson.

Absent.

Bradley.	Long.
Burns	McGregor.
of McCulloch.	Mehl.
Carpenter.	Olsen.
Cunningham.	O'Quinn.
Hardy.	Petsch.
Harrison	Sanders.
of El Paso.	Shelton.
Holloway.	Stephens.
Howsley.	Terrell
Hughes.	of Val Verde.
Jones of Atascosa.	Walker.
Justiss.	Weinert.
Kayton.	Westbrook.

Absent—Excused.

Albritton.	Boyd.
Anderson.	Dwyer.

Engelhard.  
Morse.  
Murphy.

Reader.  
Veatch.

Walker.  
Warwick.  
West of Coryell.  
West of Cameron.

Wiggs.  
Wyatt.  
Young.

The Speaker then laid House bill No. 13 before the House on its third reading and final passage.

The bill was read third time.

Mr. Giles moved that the sections of the bill be renumbered in accordance with the amendments adopted.

The motion prevailed.

House bill No. 13 was then passed by the following vote:

Yeas—105.

Adams of Harris.	Holland.
Adams of Jasper.	Hoskins.
Adamson.	Howsley.
Adkins.	Hubbard.
Akin.	Johnson
Alsup.	of Dallam.
Baker.	Johnson
Barron.	of Dimmit.
Beck.	Johnson of Morris.
Bedford.	Jones of Shelby.
Bounds.	Keller.
Brice.	Kennedy.
Bryant.	Laird.
Burns of Walker.	Lee.
Caven.	Lemens.
Claunch.	Leonard.
Coltrin.	Lilley.
Coombes.	Lockhart.
Cox of Lamar.	McDougald.
Cox of Limestone.	McGill.
Dale.	Magee.
Daniel.	Martin.
Davis.	Mathis.
DeWolfe.	Moffett.
Dodd.	Moore.
Donnell.	Munson.
Dowell.	Patterson.
Duvall.	Pope.
Elliott.	Ramsey.
Farmer.	Ratliff.
Farrar.	Ray.
Ferguson.	Richardson.
Finn.	Satterwhite.
Fisher.	Savage.
Forbes.	Scott.
Ford.	Sherrill.
Fuchs.	Smith of Bastrop.
Gilbert.	Smith of Wood.
Giles.	Sparkman.
Goodman.	Stephens.
Greathouse.	Stevenson.
Grogan.	Steward.
Hanson.	Strong.
Harman.	Sullivant.
Hatchitt.	Tarwater.
Hefley.	Towery.
Herzik.	Turner.
Hill.	Van Zandt.
Hines.	Vaughan.
Holder.	Wagstaff.

Nays—6.

Bond.	McCombs.
Brooks.	Rogers.
Harrison	Terrell
of Waller.	of Cherokee.

Present—Not Voting.

Nicholson.

Absent.

Bradley.	Lasseter.
Burns	Long.
of McCulloch.	McGregor.
Carpenter.	Mehl.
Cunningham.	Metcalfe.
Dunlap.	Olsen.
Graves.	O'Quinn.
Hardy.	Petsch.
Harrison	Rountree.
of El Paso.	Sanders.
Holloway.	Shelton.
Hughes.	Terrell
Jackson.	of Val Verde.
Jones of Atascosa.	Weinert.
Justiss.	Westbrook.
Kayton.	

Absent—Excused.

Albritton.	Morse.
Anderson.	Murphy.
Boyd.	Reader.
Dwyer.	Veatch.
Engelhard.	

MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 10, 1931.  
Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 159, A bill to be entitled "An Act to amend Title 17, Chapter 1, of the Penal Code of the State of Texas, and to amend Article 1306 of the said title and chapter defining an attempt at arson, and providing a penalty for violation of Article 1306, and declaring an emergency."

S. B. No. 354, A bill to be entitled "An Act providing for the payment of expenses of trial by jury in civil cases by the counties in which said cases are filed, except when such cases are transferred upon pleas of privilege, and declaring an emergency."

S. B. No. 381, A bill to be entitled "An Act to amend Article 996 of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 301, A bill to be entitled "An Act amending Article 3293 by adding thereto Article 3293a, providing for the appointment of an administrator for a person, where it is necessary that such be appointed, to receive funds or money due such person from the Federal government, fixing venue and the grounds therefor; providing for the giving of notice, and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act relating to bills of exception in district and county courts; enacting Article 2237a of Chapter 11, Title 42, of the Revised Civil Statutes of 1925, relating to practice in the district and county courts, requiring district and county judges to state the qualification of any bill of exception presented by either party to a suit and place such qualification in the record upon the trial of the case at the time the exception is reserved; enacting provisions designed to require prompt action on the part of the district or county judge in acting on bills of exception presented to him and outlining the procedure in case such judge does not comply with the statute; providing that this act shall apply to civil and criminal cases; repealing all laws or parts of laws conflicting herewith, and declaring an emergency."

S. B. No. 219, A bill to be entitled "An Act for the prevention of the fraudulent operation or use of automatic vending machines, coin-box telephones or coin receptacles, or making or furnishing devices to defraud owners, lessees or licensees of the same, and prescribing penalties for the violation of the provisions thereof, and declaring an emergency."

S. B. No. 269, A bill to be entitled "An Act amending Article 522, Revised Civil Statutes of the State of Texas for 1925, providing for a landlord's lien upon the properties and crops of a tenant for rents and advances; also upon the crops of the tenant where the landlord furnishes everything and the tenant furnishes the labor to make the crop."

S. B. No. 199, A bill to be entitled "An Act making an appropriation restoring as a special fund an amount which has been converted into the general revenue fund, which was

deposited in the State Treasury under an Act of Congress entitled an act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize the Voluntary Army in the War with Spain; providing for the administration of said fund, and declaring an emergency."

Respectfully,

JNO. B. DuPRIEST,

Assistant Secretary of the Senate.

#### COMMUNICATION FROM WASHINGTON, D. C.

The Speaker laid before the House, and had read the following communication:

House of Representatives,

Clerk's Office, Washington, D. C.

I, Wm. Tyler Page, Clerk of the House of Representatives of the United States, hereby certify, pursuant to Section 22, Subdivision (B), of the Act of Congress of the United States of America, entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929, that the State of Texas shall be entitled, in the Seventy-third Congress and in each Congress thereafter until the taking effect of a reapportionment under said act or subsequent statute, to twenty-one (21) Representatives in the House of Representatives of the Congress of the United States.

In witness whereof I hereto affix my name and the seal of the House of Representatives of the United States of America this fourth day of March, Anno Domini 1931, in the city of Washington, District of Columbia.

(Signed) WM. TYLER PAGE,

(Seal) Clerk of the House of Representatives of the United States.

#### HOUSE BILL NO. 225 ON FINAL PASSAGE.

The Speaker laid before the House, as postponed business, on its final passage,

H. B. No. 225, A bill to be entitled "An Act amending Article 689, Chapter 7, Title 11, Revised Criminal Statutes of Texas, 1925, relating to the penalty for the sale, transportation, manufacturing, possessing, etc.,



of intoxicating liquor, by repealing that provision of said article denying the benefits of the suspended sentence law to persons over the age of 25 years."

The bill having heretofore been read third time.

(Mr. Beck in the chair.)

Mr. McDougald moved the previous question on the passage of the bill, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—52.

Adams of Harris.	Hines.
Adamson.	Holland.
Adkins.	Hoskins.
Baker.	Howsley.
Barron.	Hubbard.
Bedford.	Hughes.
Bounds.	Jackson.
Claunch.	Keller.
Coombes.	Lockhart.
Cox of Limestone.	McDougald.
Dale.	McGill.
Davis.	Mathis.
Donnell.	Metcalfe.
Duvall.	Moore.
Elliott.	Nicholson.
Farrar.	Pope.
Ferguson.	Richardson.
Finn.	Satterwhite.
Fisher.	Scott.
Ford.	Sullivant.
Giles.	Terrell
Grogan.	of Cherokee.
Hanson.	Van Zandt.
Harrison	Walker.
of Waller.	Warwick.
Hefley.	Weinert.
Herzik.	West of Coryell.

#### Nays—54.

Adams of Jasper.	Holder.
Akin.	Holloway.
Alsup.	Johnson
Bond.	of Dallam.
Brice.	Johnson
Bryant.	of Dimmit.
Burns of Walker.	Johnson of Morris.
Coltrin.	Jones of Shelby.
Cox of Lamar.	Kennedy.
Daniel.	Lee.
DeWolfe.	Lemens.
Dowell.	Lilley.
Farmer.	McCombs.
Forbes.	Magee.
Goodman.	Martin.
Graves.	Moffett.
Greathouse.	Munson.
Harman.	Ramsey.

Ratliff.	Stevenson.
Ray.	Steward.
Rogers.	Strong.
Rountree.	Tarwater.
Savage.	Towery.
Sherrill.	Turner.
Smith of Bastrop.	Vaughan.
Smith of Wood.	Wagstaff.
Sparkman.	Wiggs.
Stephens.	Wyatt.

#### Present—Not Voting.

Laird.

#### Absent.

Beck.	Justiss.
Bradley.	Kayton.
Brooks.	Lasseter.
Burns	Leonard.
of McCulloch.	Long.
Carpenter.	McGregor.
Caven.	Mehl.
Cunningham.	Olsen.
Dodd.	O'Quinn.
Dunlap.	Patterson.
Fuchs.	Petsch.
Gilbert.	Sanders.
Hardy.	Shelton.
Harrison	Terrell
of El Paso.	of Val Verde.
Hatchitt.	West of Cameron.
Hill.	Westbrook.
Jones of Atascosa.	Young.

#### Absent—Excused.

Albritton.	Morse.
Anderson.	Murphy.
Boyd.	Reader.
Dwyer.	Veatch.
Engelhard.	

House bill No. 225 was then passed by the following vote:

#### Yeas—75.

Adams of Harris.	Giles.
Adams of Jasper.	Goodman.
Adamson.	Graves.
Adkins.	Grogan.
Baker.	Harrison
Bedford.	of El Paso.
Bounds.	Hefley.
Carpenter.	Herzik.
Caven.	Hill.
Claunch.	Hines.
Coombes.	Holland.
Daniel.	Holloway.
Davis.	Hoskins.
Donnell.	Howsley.
Dunlap.	Hubbard.
Duvall.	Hughes.
Elliott.	Jackson.
Farrar.	Johnson of Morris.
Ferguson.	Jones of Shelby.
Ford.	Keller.
Fuchs.	Kennedy.

Laird.	Rogers.
Lasseter.	Rountree.
Lee.	Satterwhite.
Lilley.	Savage.
Lockhart.	Smith of Wood.
Long.	Stevenson.
McCombs.	Terrell
McDougald.	of Cherokee.
McGill.	Turner.
Martin.	Van Zandt.
Mathis.	Vaughan.
Moore.	Wagstaff.
Munson.	Walker.
Nicholson.	Weinert.
O'Quinn.	West of Coryell.
Ramsey.	West of Cameron.
Ratliff.	Wyatt.
Richardson.	

## Nays—40.

Akin.	Harman.
Alsup.	Johnson
Bond.	of Dimmit.
Bradley.	Lemens.
Brice.	Magee.
Bryant.	Metcalf.
Burns of Walker.	Patterson.
Coltrin.	Ray.
Cox of Lamar.	Scott.
Cox of Limestone.	Sherrill.
Dale.	Smith of Bastrop.
DeWolfe.	Sparkman.
Dodd.	Stephens.
Dowell.	Steward.
Farmer.	Strong.
Finn.	Sullivant.
Fisher.	Tarwater.
Forbes.	Towery.
Gilbert.	Warwick.
Greathouse.	Wiggs.
Hanson.	

## Present—Not Voting.

Holder.

## Absent.

Barron.	Leonard.
Brooks.	McGregor.
Burns	Mehl.
of McCulloch.	Moffett.
Cunningham.	Olsen.
Hardy.	Petsch.
Harrison	Pope.
of Waller.	Sanders.
Hatchitt.	Shelton.
Johnson	Terrell
of Dallam.	of Val Verde.
Jones of Atascosa.	Westbrook.
Justiss.	Young.
Kayton.	

## Absent—Excused.

Albritton.	Engelhard.
Anderson.	Morse.
Beck.	Murphy.
Boyd.	Reader.
Dwyer.	Veatch.

## Paired.

Mr. Holder (present), who would vote "nay," with Mr. Moffett (absent), who would vote "yea."

Mr. Holland moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—81.

Adams of Harris.	Johnson of Morris.
Adams of Jasper.	Jones of Shelby.
Adamson.	Keller.
Adkins.	Kennedy.
Baker.	Lasseter.
Barron.	Lee.
Beck.	Lilley.
Bedford.	Lockhart.
Bounds.	Long.
Bryant.	McCombs.
Burns of Walker.	McDougald.
Carpenter.	McGill.
Caven.	Magee.
Coombes.	Martin.
Daniel.	Mathis.
Davis.	Moore.
Donnell.	Munson.
Duvall.	Nicholson.
Elliott.	O'Quinn.
Farrar.	Ramsey.
Ferguson.	Ratliff.
Fisher.	Ray.
Ford.	Richardson.
Gilbert.	Rogers.
Giles.	Rountree.
Goodman.	Satterwhite.
Graves.	Savage.
Grogan.	Smith of Wood.
Hanson.	Stevenson.
Harman.	Sullivant.
Harrison	Terrell
of Waller.	of Cherokee.
Hefley.	Turner.
Herzik.	Van Zandt.
Hill.	Vaughan.
Hines.	Wagstaff.
Holland.	Walker.
Holloway.	Weinert.
Hoskins.	West of Coryell.
Howsley.	West of Cameron.
Hughes.	Wyatt.
Jackson.	

## Nays—28.

Akin.	Cox of Lamar.
Alsup.	Cox of Limestone.
Bond.	Dale.
Bradley.	Dodd.
Brice.	Dowell.
Coltrin.	Farmer.

Finn.	Smith of Bastrop.
Forbes.	Sparkman.
Greathouse.	Stephens.
Holder.	Steward.
Johnson	Strong.
of Dimmit.	Towery.
Lemens.	Warwick.
Scott.	Wiggs.
Sherrill.	

## Absent.

Brooks.	Laird.
Burns	Leonard.
of McCulloch.	McGregor.
Claunch.	Mehl.
Cunningham.	Metcalfe.
De Wolfe.	Moffett.
Dunlap.	Olsen.
Fuchs.	Patterson.
Hardy.	Petsch.
Harrison	Pope.
of El Paso.	Sanders.
Hatchitt.	Shelton.
Hubbard.	Tarwater.
Johnson	Terrell
of Dallam.	of Val Verde.
Jones of Atascosa.	Westbrook.
Justiss.	Young.
Kayton.	

## Absent—Excused.

Albritton.	Morse.
Anderson.	Murphy.
Boyd.	Reader.
Dwyer.	Veatch.
Engelhard.	

## MESSAGE FROM THE GOVERNOR.

Mr. Pat Daugherty, Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,  
Austin, Texas, March 10, 1931.

To the Forty-second Legislature:

I understand that there are at this time pending for consideration approximately thirteen (13) bills which propose to create that number of additional district courts for Texas; that there are approximately one hundred twenty (120) such district courts now in actual existence; that it is also a fact that the State has not been judicially redistricted by the Legislature, in so far as concerns district courts, for a very great length of time, if ever; and by virtue of this last condition there has been brought about an unequal distribution of the work demanded of the various district

judges in this State. This is at once apparent when, by a check of the population of the various districts, which shows the same to vary from a population of 17,000 to 107,000 per district. Such a condition is bound to result in a disorganized and inefficient judicial system, in needless expenditure of money, delay in the trial of causes by virtue of congestion of the dockets in some courts, and general dissatisfaction on the part of the citizenship.

In view of these facts and information, it seems that it would be desirable, from an economic standpoint, for the Legislature to seriously consider redistricting the State, with the view of more equally distributing the work of the various district judges, and thereby probably making it unnecessary to create any additional district courts. And it is, therefore, respectfully suggested that both time and money might be saved if the creation of additional district courts be held up until the matter of redistricting the State for district court purposes has been given thorough study and consideration by the Legislature.

I recognize that the responsibility for these matters rests exclusively upon the Legislature, and this suggestion is only made in view of the enormous amount of work at this time pending before the Legislature, and the possibility of the conditions hereinbefore set out being overlooked.

Respectfully submitted,

R. S. STERLING,  
Governor.

## SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate bill No. 199, to the Committee on State Affairs.

Senate bill No. 122, to the Committee on Judiciary.

Senate bill No. 159, to the Committee on Criminal Jurisprudence.

Senate bill No. 219, to the Committee on Criminal Jurisprudence.

Senate bill No. 269, to the Committee on Judiciary.

Senate bill No. 301, to the Committee on Judiciary.

Senate bill No. 354, to the Committee on Judiciary.

Senate bill No. 381, to the Committee on Judiciary.

### RELATIVE TO HOUSE JOINT RESOLUTION NO. 12.

Mr. Adkins asked unanimous consent of the House to have Section 4 stricken from House joint resolution No. 12.

There was no objection offered, and it was so ordered.

### ADJOURNMENT.

On motion of Mr. Johnson of Dimmit, the House, at 4:15 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

### APPENDIX.

### STANDING COMMITTEE RE- PORTS.

The following committees have filed favorable reports on bills, as follows:

Judiciary: House bills Nos. 621, 439, 726 and 393.

Revenue and Taxation: House bills Nos. 331, 741 and 122.

Highways and Motor Traffic: Senate bill No. 85, House bills Nos. 415, 798, 15 and 635.

State Affairs: House bill No. 123.

Insurance: House bill No. 512.

The Committee on Highways and Motor Traffic filed an adverse report on House bills Nos. 450 and 802.

### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, March 9, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 255, A bill to be entitled "An Act to amend Article 698 of the Code of Criminal Procedure of the State of Texas; providing that the proper judgment be entered on verdicts; providing that in misdemeanor cases where the verdict or plea is guilty and the punishment is by fine only, the court or judge may defer judgment; providing judgment; providing for recognizance or bail for the defendant, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

RICHARDSON, Vice-Chairman.

Committee Room,

Austin, Texas, March 9, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 229, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of the State of Texas of 1925, so as to include in the provisions thereof the non-resident mutual assessment life, health and accident insurance companies now transacting business in this State, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

RICHARDSON, Vice-Chairman.

Committee Room,

Austin, Texas, March 10, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 124, A bill to be entitled "An Act to confirm and validate the sale by the State, acting through the Board of Regents of the University of Texas of certain University lands situated in Lamar county, Texas, reserving to the State the minerals in said lands, and creating an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,

Austin, Texas, March 9, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 24, Proposing to amend Section 13, Article 8, of the Constitution of the State of Texas, so as to provide for the right to redeem land sold at tax sale within two years from the date of filing for record of the purchaser's deed for less than double the amount paid for the land, that is to say, upon payment within the first year of the redemption period of the amount of money paid for the land, including \$1 tax deed recording fee plus 25 per cent, and within the last year of the redemption period upon the payment of the amount of money paid for the land, including \$1 tax deed recording fee plus 50 per cent,"

Have carefully compared same and find it correctly engrossed.

RICHARDSON, Vice-Chairman.

Committee Room,  
Austin, Texas, March 9, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on En-  
grossed Bills, to whom was referred

H. B. No. 671, A bill to be entitled  
"An Act to prohibit the sale or offer-  
ing for sale, or the buying, of any  
bass, crappie, perch or channel or  
opalousis cat or any other fish taken  
from the waters of Lake Waco or the  
Bosque Rivers and their tributaries  
in the counties of McLennan, Bosque,  
Hamilton and Erath, etc., and declar-  
ing an emergency,"

Have carefully compared same and  
find it correctly engrossed.

RICHARDSON, Vice-Chairman.

Committee Room,  
Austin, Texas, March 10, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on En-  
grossed Bills, to whom was referred

H. B. No. 264, A bill to be entitled  
"An Act to prohibit the passage of  
any local or special law applying to  
one county by reference to population,  
scholastic population or taxable value,  
without naming the county referred  
to; requiring notice to be given by  
publication in the county to be af-  
fected, stating the purposes of the  
act, etc., and declaring an emer-  
gency,"

Have carefully compared same and  
find it correctly engrossed.

JUSTISS, Chairman.

**In Memory**  
**of**  
**Hon. Henry P. Taylor**

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Mr. Davis (by unanimous consent) offered the following resolution:

Whereas, On yesterday, March 9, 1931, Honorable Henry P. Taylor, of Brown county, Texas, who served as a member of this body during the Thirty-third, Thirty-fourth and Thirty-fifth Legislatures, was called to his eternal reward; and

Whereas, For half a century he has lived in Brown county and rendered outstanding service as a private citizen; and

Whereas, He served with honor as a Confederate Veteran during the period of the Civil War and exemplified in his long and useful life the ideals for which he and his comrades stood; and

Whereas, The members of this body are deeply grieved over the passing of this useful citizen and faithful former member of this body and sympathize with his friends and the members of his family; now, therefore, be it

Resolved by the House of Representatives of the Forty-second Legislature, That we extend our most sincere and deep sympathy in this sad hour; that a copy of this resolution be spread upon the Journal of the House; that copies be furnished the family of deceased; and that when we adjourn today it be in his memory.

The resolution was read second time and was adopted by a rising vote.